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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,355	06/21/2000	Mark Edward Pecen	CS10877	7184

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EXAMINER

TORRES, MARCOS L

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,355

Applicant(s)

PECEN ET AL.

Examiner

Marcos L. Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paivike in view of Savuoja and further in view of Mustajarvi.

As to claim 1, Paivike discloses a GPRS/EDGE communication system including a mobile station sending a plurality of uplink radio link control data blocks to a base station in an uplink temporary block flow, and receiving a plurality of downlink radio link control data blocks from the base station in a downlink tempore block flow (see col. 7, lines 54-61). Paivike does not specifically disclose a protocol control unit within the base station, having a base station medium access control layer sending an identifier during setup of the downlink temporary block flow, and sending an uplink state flag indicating channel availability in a first one of the plurality of downlink radio link control data blocks; and a GPRS/EDGE subsystem within the mobile station, having a mobile station medium Access control layer receiving the identifier and the uplink state flag, and sending uplink data in a first one of the plurality of uplink radio link control data blocks to the mobile station in response to the uplink state flag indicating channel availability, wherein the base station medium access control layer sends a directed acknowledgement in a subsequent one of the plurality of downlink radio link control data blocks in response to receipt of the uplink data from the mobile station, and the mobile station sends uplink data in a second one of le plurality of uplink radio link control data blocks in response to the directed acknowledgement. In an analogous art, Savuoja discloses a protocol control unit within the base station, having a base station medium

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access control layer sending an identifier and an uplink state flag indicating channel availability in a first one of the plurality of downlink radio link control data blocks and a GPRS subsystem within the mobile station, having a mobile station medium Access control layer receiving the identifier and the uplink state flag (see col. 3, lines 27-35), thereby requesting an available channel. Mustajarvi discloses a GPRS subsystem within the mobile station (see col. 1, line 35-60), having a mobile station medium Access control layer receiving the identifier and the uplink state flag, and sending uplink data in a first one of the plurality of uplink radio link control data blocks to the mobile station in response to the uplink state flag indicating channel availability (see col. 3, lines 11-18), wherein the base station medium access control layer sends a directed acknowledgement in a subsequent one of the plurality of downlink radio link control data blocks in response to receipt of the uplink data from the mobile station (see col. 3, lines 5-7), and the mobile station sends uplink data in a second one of the plurality of uplink radio link control data blocks in response to the directed acknowledgement (see col. 3, lines 4-5), thereby communicating the data. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these references for orderly controlling the access of the mobile stations to the network resources and using efficiently those resources.

6. Claims 2-5, 7-10, 12-13, 15 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forsell in view of Savuoja.

As to claims 7 and 15, Forsell discloses a method for rapid uplink access of a communication system including a first station and a second station (see col. 1, lines 5-

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9), the method in a first station comprising: determining if the first station has uplink data to send; if the first station has uplink data to send, then determining if an uplink temporary block flow setup has been established; if an uplink temporary block flow has not been established, then establishing a temporary block flow setup (see col. 12, lines 12-25); receiving a downlink data block including an uplink state flag (see col. 13, line 39-42). Forsell does not specifically disclose comparing the value of the uplink state flag to a value indicative that the uplink channel is available, and to a value corresponding to an address assigned to the first station; and if the value of the uplink flag corresponds to the address assigned to the first station or the value of the uplink state flag is a value indicative that the uplink channel is available, then sending an uplink data block from the first station to the second station. In an analogous art, Savuoja discloses comparing the value of the uplink state flag to a value indicative that the uplink channel is available, and to a value corresponding to an address assigned to the first station; and if the value of the uplink flag corresponds to the address assigned to the first station or the value of the uplink state flag is a value indicative that the uplink channel is available, then sending an uplink data block from the first station to the second station (see col. 3, lines 27-45), thereby requesting an available channel. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these references for orderly controlling the access of the mobile stations to the network and minimizing interferences by only permitting one station transmit at a defined time.

As to claim 8, Forssell discloses a method of comparing the value of the uplink state flag, then incrementing to the next uplink data block to be transmitted in the first station after sending an uplink data block (see col. 13, lines 18-33). Savuoja discloses wherein if the value of the uplink state flag corresponds to the address assigned to the first station (see col. 3, lines 27-45). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching for a reliable delivery of data.

As to claims 9 and 16, Forssell discloses a method wherein the uplink data blocks and the downlink data blocks are received via a radio link (see col. 1, lines 7-10).

As to claims 10 and 17, Forssell discloses the method wherein the uplink data block includes uplink radio link control data blocks and the downlink data blocks include downlink radio link control data blocks (see col. 3, lines 22-40).

As to claims 12 and 19, Forssell discloses a method wherein the first station is a mobile station and the second station is a base station in radio communication system (see col. 3, lines 22-24).

As to claims 13 and 20, Forssell discloses a method wherein the radio communication system includes: Global System for Mobile (GSM) communication system with General Packet Radio Service (GPRS) and Enhanced Data for Global Evolution (see col. 1, lines 45-48).

Regarding claims 2-5, are the corresponding system claims of method claims 7, 12, 13 and 10. Therefore claims 2-5 are rejected for the same reasons.

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7. Claims 6, 11, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forssell in view of Wand.

As to claims 6 and 14, Forssell discloses everything claimed as explained above except for a communication system wherein at least some of the downlink data blocks and the uplink data blocks include packetized voice data. Wand discloses a communication system wherein at least some of the downlink data blocks and the uplink data blocks include packetized voice data (see col. 4, lines 27-31). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this technique for bandwidth management purposes.

As to claims 11 and 18, Forssell discloses everything claimed as explained above except for a method in wherein a value of zero for the uplink state flag is indicative that the uplink channel is available. However, OFFICIAL NOTICE IS TAKEN THAT the use of zero or null character to indicate no use, empty or available is a common and well-known technique. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use this technique to indicate availability.

Conclusion

Any response to this Office Action should be mailed to:

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571-273-8300

for formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-252-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcos L Torres
Examiner
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Mlt


7/28/05
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SUPERVISORY PRIMARY EXAMINER